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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,234	10/29/1999	RAINER WOLFGANG LIENHART	042390.P7333	6961

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

14

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,234

Applicant(s)

LIENHART ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Request for Reconsideration.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The affidavit filed on 27 December 2002 under 37 CFR 1.131 is sufficient to overcome the Grandin et al (US 6,378,132) reference, thus Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C as being unpatentable over Newman et al., US 6,154,600 in view of Cruz et al., US 5,613,032.

In considering claims 1, 6, 10 and 16,

a) the claimed receiving a video signal is met by the graphical user interface (GUI) (Fig 14) where the GUI can capture a variety of sources to include, a camcorder 586, VCR 588, auxiliary audio TV, CD-ROM/DVD and digital camera 590.

b) the claimed receiving a first audio signal containing annotations is met where the graphical user interface can capture additional audio via auxiliary audio (capture 584)

and also add audio video via storyboard 592, which allows edit, playback and record shots, including audio shots (col 14, line 18-22).

However, Newman does not specifically disclose generating search annotations corresponding to the video and second audio signals via the first audio signal.

Newman does disclose a system that can manipulate hypermedia, where hypermedia refers to the integration of text, graphics, sound, video and other data, or any combination into a system which can be stored and retrieved (col 5, line 47-52). Newman also discloses that audio is synchronized to video by reference to a master pixel clock (col 18, line 57-59).

The searching of a medium wherein video, audio and text can be searched and retrieved is conventional in the art.

Thus the examiner incorporates Cruz et al., US 5,613,032 which discloses a system for recording and playing back multimedia events, where Cruz is able to search/retrieve events based on titles (col 7, line 10-13), different speakers (col 7, line 14-19) and search a desired event (col 5, line 27-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Newman which discloses a video home editing system, which can edit/cut/insert/reproduce hypermedia including graphics, text and audio annotations (col 14, line 17-19), to also generate annotations while inserting auxiliary/audio shots, to therefore provide a medium which once edited/updated can then be reviewed/searched to provide the user the ability to retrieve a desired segment, whether text, video, audio etc... of the hypermedia.

In considering claims 2, 7, 11 and 17,

However, neither Newman nor Cruz disclose removing the annotations from the second audio signal (signal 120).

Newman discloses a media editor where the user is able to add/insert/delete/remove hypermedia to an existing hypermedia file by using graphical user interface 400 (Fig 9, Fig 14).

Thus based on the type of hypermedia being edited (i.e. home video), the user could create a hypermedia (home video) where the scene/background audio (2nd audio signal) is removed in order to provide additional/auxiliary audio in lieu of background/scene audio, thus removing it's annotations from the second audio signal.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Newman which discloses that hypermedia can be edited by deleting/removing data (video, text and audio etc) to form an edited hypermedia medium by also deleting the annotations of the second audio signal, in order to provide the user the ability to search the desired clips via annotations audio (auxiliary/narrated) or the received video.

In considering claim 3, *the claimed utilizing a least-mean square algorithm*

As discussed above in claim 3, neither Newman nor Cruz disclose removing annotations from the second audio signal, nor removing by using a least-mean square algorithm.

The applicant states in the specification, that the least-mean square (LMS) algorithm is a conventional algorithm, and also (page 12, line 5-12) that annotations may be removed by a variety of methods or algorithms.

Therefore, it would have been obvious design choice to one of ordinary skill in the art at the time of the invention to modify the Newman/Cruz combination which discloses editing and searching hypermedia, by utilizing an algorithm such as a LMS algorithm in removing annotations from the second audio signal, in order to provide an editing hypermedia which removes undesired audio and allows the user to insert additional/auxiliary audio if desired.

In considering claims 4, 8, 12 and 18, *1) the claimed generating a center text title... 2) the claimed generating a scrolling text banner...*

Newman discloses a system which uses a non-linear home media editor system, which allows the user to develop a audio/video information from either multiple devices, to include recorder, VCR, TV, CD-ROM/DVD, digital camera, storyboards, internet, etc... Newman also discloses a system which lets the user input the type of information, i.e. "OUR SUMMER VACATION", which is displayed in the center of the window 408 (Fig 12). Newman also discloses the use of scrolling text overlays, by

moving prerendered graphical objects onto an image from a variety of hypermedia sources (col 12, line 17-23).

In considering claims 5, 9, 13 and 19,

The claimed generated a video abstract via the first and second audio signals, the video signals and the searchable annotations is met where the editing hypermedia created, generates a video abstract, where the audio signal(s), video signal(s) and other media which is included/added/inserted into the unedited hypermedia is combined to form a desired hypermedia. As shown in Fig 11, the edited hypermedia "Vacation" (444), is broken down into appropriate storyboards for the user which may be edited/viewed.

In considering claim 14,

The claimed wherein the video signal is received from a video recorder is met by Newman which discloses receiving video via camcorder 586, VCR 588 and digital camera 590 (Fig 14).

In considering claim 15,

The claimed wherein the first and second audio signals are received from at least one microphone is met where Newman discloses the reception of audio/video via camcorder 586, VCR 588 and also auxiliary audio.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Orr, US 6,430,357 discloses text data extraction system for interleaved video data streams;

Saito, US 6,608,964 discloses and editing devive and audiovisual information including moving picture, audiovisual and editing information;

Abecassis, US 2002/0097984 discloses replaying a video segment with changed audio;

Kwoh et al., US 2002/0031331 discloses a system for voice titles.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-4700.

B.P.Y.

24 September 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600